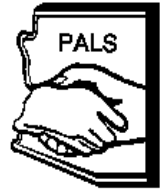




Parent Information Network



Threats and Disruptions at School Not Tolerated

Since the Arizona School Safety Omnibus Bill (Senate Bill 1559) was signed into law by Gov. Hull in April 2000, several hundred Arizona students have been arrested for making threats to other students or school personnel, or for "...causing interference with or disruption of an educational institution..."

The arrests were made when threats were vocalized, such as "I'm going to kill you." Other reported incidents have dealt with physical threats, intimidation, and assault of students or school personnel.

Nearly every state has passed some form of legislation intended to curb violence in schools (Janofsky, 2001). While many of the laws are intended to keep guns and other weapons out of schools, some states have given teachers and administrators new powers to discipline disruptive children. Others have established mediation and conflict resolution programs; still others have adopted broad new guidelines for what is acceptable student behavior.

With the passage of the Arizona School Safety Omnibus Bill into law, several sections of Arizona Revised Statutes Title 13, the Criminal Code, and Title 15, the Education Code, have been added or changed.

Key provisions

Some of the key provisions of the Arizona law follow:

- Amendment of ARS 13-2911: Interference with or disruption of an educational institution calls for penalties which include suspension, expulsion or other appropriate disciplinary action of students, faculty members or other staff personnel. Depending on the circumstances, a student or adult can be charged with a Class 1 misdemeanor or a Class 6 felony under ARS 13-2911(I);
- Establishment of a school safety clearinghouse within the Department of Education, to be staffed by at least one person. The position is located in Comprehensive Health and is staffed by Layton Dickerson, a former law enforcement officer. Dickerson, who is available to assist schools and districts with Emergency Response Plans, can be called at 602-542-8717;
- Development of Emergency Response Plans for each school in conjunction with local law enforcement and local medical facilities, in accordance with minimum standards developed jointly by the Department of

Education and the Department of Emergency Management and Military Affairs;

- Amendment of ARS 15-841 dealing with responsibilities of pupils. A newly added section requires that, "A school district or charter school shall expel from school for at least one year a pupil who is determined to have threatened an educational institution as defined in (ARS) Section 13-2911..." This also includes a threat to cause physical injury to an employee or any person attending an educational institution, or to cause damage to an educational institution or to the property of an employee or person attending the institution. The expulsion requirement may be modified on a case by case basis if the pupil participates in "...mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat;" and

- Establishment of a school conflict mediation program within the office of the State Attorney General. Reports of potential school violence, including threats, may be called in to a Toll Free number, 1-877-900-1086. *The line is available to students, parents, educators, and the general public.*

No tolerance for threats

The message sent by the relatively new Arizona law is that there is little tolerance for threats or for violence in our schools. What may have been looked upon in previous years as "kids being kids," is being looked at entirely different now. *Students need to be aware that threats will be dealt with quickly and with consequences, regardless of the age or grade of the student.*

Harassment indicators and help

Olweus (1994) provides a definitive book for intervention and prevention, including signs and characteristics of both the bully and the victim. Beane (1999) lists several behaviors which parents and teachers can pick up on as signals that a child is being bullied or harassed: loss of interest in school work; difficulty concentrating in class; lonely and withdrawn; frequent headaches or stomachaches; a sudden stutter or stammer; and changes in eating patterns. He also provides reproducible forms for use by teachers of K – 8 students. Coloroso (2003)

states that bullying "is a life-and-death issue that we ignore at our children's peril." She offers suggestions to help not only the bully and the victim, but the oft overlooked bystander as well. This latter book can be used with elementary through high school aged students.

Anti-harassment letter issued by USDOE

On July 25, 2000, the U.S. Department of Education (USDOE) Office of Civil Rights and the Office of Special Education and Rehabilitative Services sent a letter on harassment based on disability to school principals across the United States. The letter was the result of a joint focus group where information was shared on "...often devastating effects on students of disability harassment that ranged from abusive jokes, crude name-calling, threats, and bullying, to sexual and physical assault by teachers and other students."

The USDOE letter states that "Disability harassment can have a profound impact on students, raise safety concerns, and erode efforts to ensure that students with disabilities have equal access to the myriad benefits that an education offers. Indeed, harassment can seriously interfere with the ability of students with disabilities to receive the education critical to their advancement..."

Oftentimes, students with and without disabilities react to repeated threats with what has been modeled for them in real life, in the movies, and on TV. They choose to protect themselves with a knife, gun or other weapon and risk the consequences for taking measures to protect themselves.

The arrest process

Parents may wonder what can happen to a child who is arrested for making threats, whether to bully or to protect themselves. A student who is "paper arrested" at school will be returned to the custody of his/her parents. The family will then be contacted by a juvenile court Probation Officer. After interviewing the child and the family, and checking for previous incidents of delinquency, the decision may be made to send the child to a diversion program for counseling, or perhaps to anger management classes. The parents pay for the costs of the program. Upon completion of the program, the charge will be dropped.

In more serious cases where a child is taken into custody, a psychological examination may be ordered by a judge. Upon completion of the evaluation, and an interview with a Probation Officer, there will be a hearing before a juvenile court judge. A family may choose to retain an attorney; otherwise the student will be represented by a Public Defender. If a student is found guilty in the incident, he/she may be charged with a Class 6 Felony which can remain on their record until age 25. If there are no additional incidents, the individual may request their record be expunged of the felony charge at age 25, and in some instances, before age 25.

NOTE: A Class 6 Felony can prevent a person from entering a branch of the United States military, employment in law enforcement and other professions can be jeopardized, and the ability to vote is lost.

Learn about discipline policy

Parents and students need to become familiar with their district's or charter school's discipline policy; especially how situations will be handled when a student is receiving special education services. Contact your child's teacher, principal or school counselor if you have questions.

References

- Arizona State Senate. (2000). *Senate Bill 1559*. Phoenix, AZ: Forty-fourth Legislature.
- Beane, A. (1999). *The bully free classroom*. Minneapolis, MN: Free Spirit Publishing.
- Coloroso, B. (2003). *The bully, the bullied, and the bystander*. New York: HarperResource.
- Janofsky, M. (2001, March 19). Bill on student bullying is considered in Colorado, *New York Times*, p. A10.
- Olweus, D. (1994). *Bullying at school: What we know and what we can do (Understanding children's worlds)*. Malden, MA: Blackwell Publishers.
- Rico, G. (2001, April 3). Telephone Interview. Tucson, AZ: Pima County Juvenile Court Center.
- Stauffer, T. (2001, May 27). School threats, *Arizona Daily Star*, p. A9.
- U.S. Department of Education. (2000, July 25). Letter on harassment based on disability. Washington, DC: Office of Civil Rights and Office of Special Education and Rehabilitative Services.